



Missouri  
Department of  
Natural Resources

**MISSOURI WELL INSTALLATION BOARD MEETING  
NOVEMBER 5, 2010  
DEPARTMENT OF NATURAL RESOURCES  
ROLLA, MO.**

**OPEN MINUTES**

The regular meeting of the Well Installation Board was held on Nov. 5, 2010 at the Missouri Department of Natural Resources in Rolla, Mo. A quorum being present, Mr. Robert Lawrence, Chairman, called the meeting to order at 10:02 a.m.

**Board Members Present:** Mr. Robert Lawrence, Chairman, Mr. Fred Schoen, Vice-Chairman, Mr. Robert Broz, Mr. Joe Gillman and Mr. Danny Flynn. Ms. Harriet Beard was present by conference call.

**Board Members Absent:** Ms. Annetta StClair

**Legal Counsel Present:** Mr. Don Willoh, Assistant Attorney General

**DNR Staff Present:** Ms. Beth Marsala, Ms. Debbie Stogsdill, Ms. Sheri Fry, Ms. Jane Williams and Mr. Jerry Prewett

**Guests Present:**, Mr. Gerald Buechting with Buechting Drilling and also representing the Missouri Water Well Association, Mr. Jay Marshall with Marshall Pump Service, Ms. Linda Cook and Mr. James Cook of Ark-Mo Well Drilling, Mr. Brad Rayburn, with Missouri Rural Water Association, Mr. Lindell Lindsey of A & M Pump Service, Mr. Doc McClanahan of Doc's Well and Pump Co, Mr. Richard Linebaugh of Drill it Well DBA Hewett Messenger, Ms. Carol Eighmey, with the Petroleum Storage Tank Insurance Fund (PSTIF), and Ms. Kaly Erwin, with PSTIF

**INTRODUCTION**

Mr. Lawrence welcomed everyone to the meeting and introduced himself. He asked the Board to introduce themselves, followed by the audience.

**MINUTES OF AUGUST 13, 2010 BOARD MEETING**

The chair asked if there were any changes or corrections to the minutes from August 13, 2010 meeting. Ms. Beard moved to accept the minutes and Mr. Flynn seconded the motion. Motion carried.

**SPRINGFIELD UTILITIES, CARBON SEQUESTRATION UPDATES**

Mr. Jerry Prewett updated the board on the Carbon Sequestration Project at Springfield Utilities.

**SECTION UPDATES**

The Chair recognized Ms. Beth Marsala

Ms. Marsala gave an update on activities of the section. She mentioned the draft apprentice rule. The Special Area 2 map is being updated and the section is also beginning work to update the Area 1C map. The staff and the Information Technology Service Department are working to include all the updated well information from 2006 to the present to the on-line map viewer that is available to the public. Beth spoke of Rogersville wells with TCE contamination and how the section is working with EPA on this issue. Currently, the water from the wells is being aerated. All parties are concerned that the high levels in one particular well could be a threat to contaminate lower aquifers. The group is working to obtain funding assistance for plugging the well through a 319 grant project. EPA has committed to paying for a new well at the site. Details are still being worked out prior to notifying the owner.

The section is working on 33 active field investigations and 111 administration investigations that include fee and forms that have not been submitted.

Staff are still working on the draft amendments to the heat pump rule, hoping to have it ready for the next Board meeting.

She also mentioned that the section has four less staff members at this time, and it is becoming more difficult to carry out the duties required by the law. The section is in the process of filling two of those positions.

## **FUND UPDATES**

The Chair recognizes Ms. Beth Marsala

Ms. Marsala gave a brief update on the section funds; the fund balance is increasing now. Some of the increase is due to less expense due to the staff shortage. The fee increase has helped to keep the fund balance from becoming negative.

## **PERMIT APPEALS**

1- The board acknowledged Mr. Jay Marshall to present his appeal to the board. Mr. Marshall requested to have his permit reinstated without having to serve an apprenticeship or having to submit proof of financial responsibility. He stated that he was originally permitted in 1987 and his permit was current until 2008 when he began another career and let his permit lapse. He stated that Sheri Fry would present the rest of his information for him. The board recognized Ms. Fry. She stated that Mr. Marshall had no outstanding violations. Mr. Marshall has already taken the test and passed. Staff recommended that Mr. Marshall be re-permitted as a non-restricted pump installation contractor and that the proof of financial responsibility be waived.

Mr. Schoen, made a motion to uphold the recommendation of the staff decision, Mr. Flynn seconded the motion, all other members voted to uphold the department's recommendation. Motion carried.

2- Ms. Fry presented the appeal of Mr. Vernon Thrasher. Mr. Thrasher requested to have his Monitoring well contractor's permit reinstated without having to serve as an apprentice. He has had no violations. He

wishes to become permitted as a non-restricted monitoring well contractor and to have the proof of financial responsibility requirement waived.

Staff's recommendation was to allow him to be permitted as a non-restricted monitoring well contractor, without having to serve as an apprentice and to waive the financial responsibility.

Ms. Beard made motion to except the staff recommendation, Mr. Broz seconded the motion. All voted to uphold staff recommendation. Motion carried

3- The board acknowledged Ms. Fry, as she presented an appeal for Mr. Jeremy Scobee. He requested the board to allow him to take the test to receive a non-restricted permit and waive the \$25,000 proof of financial responsibility. The rule requires that he go through the apprenticeship, test and pay permit fees.

Staff's recommendation was to allow him to take and pass the test and pay the appropriate fees to be permitted as an apprentice.

Mr. Flynn made motion to support the department's recommendation and Mr. Broz seconded the motion, to accept the department's recommendation. The chair took a verbal vote and all members voted to uphold staff recommendation. The motion carried.

## **RULE UPDATES**

The chair recognized Ms. Sheri Fry.

Ms Fry stated that the monitoring well rules update were forwarded up to department legal staff, and the division is waiting on their approval before filing with the Secretary of State.

Ms. Fry stated that the apprentice rule is being reviewed by department legal staff. Once it is approved, it will be forwarded for interagency review. The other agencies have thirty 30 days to review the rule and any comments will be forwarded to staff. She went over the changes of the draft rule amendments. If no comments are received, the proposed amendments will be filed with the Secretary of State's Office. The changes include removing the requirement for proof of financial responsibility for applicants who have previously been permitted, as long as they were in good standing when their permit was cancelled and the testing section of the rule was changed to prevent an applicant from taking the test numerous times in the same day.

Motion to amend the Apprentice rule as circulated. Mr. Robert Broz made motion to approve, Mr. Danny Flynn seconded the motion, motion carried and approved.

The draft amendment to the heat pump rule is still being finalized by staff.

## **ENFORCEMENT UPDATE**

The chair recognized Ms. Sheri Fry

As of Oct., 2010, WHP has issued 36 letters of warning, 6 administrative NOV's. There have been 18 permits placed on restricted probation, where they have to pre notified any work. Out of the 18, eleven had signed probation agreement. There have been six referrals sent to the Attorney General's Office for possible litigation.

## **MISSOURI WATER WELL ASSOCIATION**

The chair recognized Mr. Gerald Buechting,

Mr. Buechting thanked staff for the information about the TCE contaminated well in Rogersville and, noted that section staff should continue to stay on top of the situation and get the well properly plugged to protect the aquifer.

## **OTHER BUSINESS**

Ms. Schoen, stated that he believed that the ground source heat pump business will continue to pick up, due to some more assistance that will soon become available to help with the cost of installing ground source heat pump systems.

## **PUBLIC COMMENT AND CORRESPONDENCE**

**None**

## **FUTURE MEETINGS**

The board approved to hold the next open meeting on February 21, 2011 at 10 a.m., in conjunction with the Missouri Water Well Convention, at the Country Club at Lake of Ozarks, MO.

A suggestion was made to hold the May 13 board meeting at DNR's Northeast Regional Office in Macon Missouri at 10 a.m.

The motion was made by Fred Schoen, seconded by Ms. Harriett Beard. Motion carried with a unanimous voice vote.

Mr. Fred Schoen made motion for the next closed session to be held at 9:30 a.m. at the next meeting on February 21, 2011. Mr. Danny Flynn seconded the motion. The motion carried with a unanimous voice vote.

## **ADJOURNMENT**

Mr. Flynn moved that the meeting be adjourned. Mr. Gillman seconded. Motion carried.

Meeting adjourned at 11:10 a.m.